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May 21, 2020

Via ECF

Hon. Lewis J. Liman
United States District Court
Southern District of New York
500 Pearl Street, Room 701
New York, NY 10007
(212) 805-0226
LimanNYSDCChambers@nysd.uscourts.gov

Re: Convergen Energy LLC et al. v. Brooks et al.

Dear Judge Liman:

On behalf of the Plaintiffs in the above-referenced action, we write to address the format of the June 2, 2020 preliminary injunction hearing.

In the Special Appearance filed by Defendants Steven J Brooks, Gregory Merle, NianticVista Energy LLC, and Riverview Energy Corporation (Dkt. 30), those Defendants took the position that the hearing should be conducted via telephone and not by video. We disagree. The issues are factual and technical, not legal. We anticipate making available to the Court one or two witnesses who can speak to the issues surrounding the Office 365 accounts and domain names at issue. As was apparent during our initial telephone conference on May 18, 2020, the lawyers' limited technical expertise in the subject matter may generate confusion and questions. Declarations without live testimony will deprive the Court of the ability to speak directly to those with personal knowledge. Plaintiffs therefore propose the June 2nd hearing via Zoom or Skype for Business, which also happens to be more efficient and transparent than a telephone call.

Respectfully,

/s/ Michael Stolper
Michael Stolper, Esq.

cc: Defense counsel via email and ECF